

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JOSEPH THOMAS REINER #459082,

Plaintiff,

CASE NO. 2:15-cv-00125

v.

HON. ROBERT J. JONKER

JEFFREY WOODS, et al.,

Defendants.

CONDITIONAL WRIT OF HABEAS CORPUS

On April 7, 2020, the United States Court of Appeals for the Sixth Circuit reversed this Court's judgment denying Petitioner's petition for writ of habeas corpus and remanded to this Court for entry of "a conditional writ of habeas corpus directing the state to either release Reiner from custody or retry him within an appropriate period to be determined by the district court." *Reiner v. Woods*, 955 F.3d 549, 562-63 (6th Cir. 2020) (footnote omitted). The Mandate issued on May 4, 2020.

The ruling covers Petitioner's convictions arising out of a February 23, 2011, home invasion and stabbing in Macomb County, Michigan. *Id.* at 551-55. Reiner was tried and convicted of felony murder, home invasion first degree, and assault with intent to commit murder. *Id.* In a footnote, the Sixth Circuit stated that its decision "would not affect the state's custody of Reiner based on any other convictions stemming from separate incidents."¹ *Id.* at 563 n.6.

¹ Reiner is also serving sentences for unrelated crimes of assault with intent to commit great bodily harm less than murder (Jackson County Case No. 12004139-FH) and for home invasion second degree (Macomb County Case No. 06004090-FH).
<http://mdocweb.state.mi.us/OTIS2/otis2profile.aspx?mdocNumber=459082>.

Accordingly, as directed by the Sixth Circuit's judgment and mandate,

IT IS HEREBY ORDERED AND AJUDGED that a conditional writ of habeas corpus is issued directing that Peitioner be released from state custody on his convictions in Macomb County Circuit Court (Case No. 12000546-FC) for felony murder, home invasion first degree, and assault with intent to commit murder, all arising out of the events of February 23, 2011, unless the State of Michigan retrieves him within 180 days. Petitioner may seek an absolute writ or other appropriate enforcement if the State fails to comply with these conditions. Nothing in this Conditional Writ affects the State's ability to hold defendant in custody based on sentences imposed and active for any other convictions.

IT IS FURTHER ORDERED that Petitioner's Motion for Immediate Release, ECF No. 41 is **DENIED**.

Dated: May 13, 2020

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE